



Order Filed on November 29,
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Court District of New Jersey

779219 PHELAN HALLINAN DIAMOND & JONES, PC 400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054 856-813-5500 <u>Attorneys for Secured Creditor: WELLS FARGO</u> <u>BANK, N.A.</u> UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b)
In Re: CHAUNCEY S. PHILLIPS A/K/A CHAUNCEY S. PHILLIPS, JR

Case No: 16-23904 - JNP

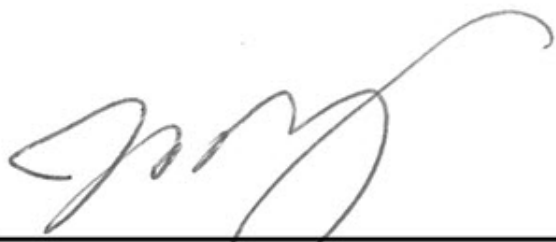
Hearing Date: 09/05/2017

Judge: JERROLD N. POSLUSNY
JR.

**CONSENT ORDER VACATING RELIEF ORDER
AND PROVIDING FOR CURING OF POST-PETITION ARREARS**

The consent order set forth on the following pages, numbered two (2) through four (4)
is hereby **ORDERED**.

DATED: November 29, 2017



Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

NJID 779219

PHELAN HALLINAN DIAMOND & JONES, PC
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

CASE NO. 16-23904 - JNP

IN RE:

CHAPTER 13

CHAUNCEY S. PHILLIPS A/K/A
CHAUNCEY S. PHILLIPS, JR

CONSENT ORDER VACATING RELIEF
ORDER AND PROVIDING FOR CURE OF
POST-PETITION ARREARS

Debtor

HEARING DATE: 11/21/2017

This Consent Order pertains to the property located at 111 HEIDI LANE, LOGAN TOWNSHIP, NJ 08085-1526, mortgage account ending with "3239";

THIS MATTER having been brought before the Court by, ERIC J. CLAYMAN, Esquire attorney for debtors, CHAUNCEY S. PHILLIPS, upon the filing of a Motion to Reinstate the Automatic Stay; and WELLS FARGO BANK, N.A., by and through its attorneys, Phelan Hallinan Diamond & Jones, PC, having filed Opposition to said Motion; and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

IT IS on the _____ day of _____, 2017, ORDERED as follows:

1. The Order Granting Relief from the Automatic Stay, entered by this Court on September 5, 2017, is hereby vacated.
2. The Parties agree that Debtor is due for **twenty-two (22)** bimonthly post-petition payments from December 26, 2016 through March 6, 2017 at \$652.06 (6 total); March 20, 2017 through April 17, 2017 at \$639.92 (3 total); and May 1, 2017 through November 13, 2017 at \$758.23 (13 total); less suspense funds in the amount of \$162.75; for a total post-petition arrearage amount of **\$15,526.36**.
3. The Parties agree that, beginning **November 27, 2017**, the Debtor will continue to make regular monthly payments in accordance with the terms of the Mortgage and Note.
4. The Debtor agrees to make an immediate payment of **\$15,526.36** by **November 27, 2017** to fully cure the post-petition arrears.

5. The Debtor agrees to remain current from this day forward. Beginning November 27, 2017, all subsequent monthly payments and late charges shall be due in accordance with the terms of the Mortgage and Note.

6. The Debtor acknowledges that the monthly mortgage payment amount is subject to change in accordance with the terms of the Mortgage and Note.

7. Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

8. In the event the Debtor converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

9. This order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular monthly mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

The undersigned hereby consent to the form,
Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC
Attorneys for Secured Creditor:
WELLS FARGO BANK, N.A.

/s/ James P. Shay
James P. Shay, Esq.
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Dated: 11/14/2017

/s/ Eric J. Clayman
ERIC J. CLAYMAN, Esquire
Attorney for debtors

Dated: 11/28/2017